

AMENDED IN SENATE AUGUST 24, 1999

AMENDED IN ASSEMBLY APRIL 29, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 391**

**Introduced by Assembly Member Jackson**

February 11, 1999

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An act to amend Sections 4320 and 4330 of the Family Code, relating to marriage.

### LEGISLATIVE COUNSEL'S DIGEST

AB 391, as amended, Jackson. Spousal support.

Existing law directs a court to consider specified circumstances concerning the parties in ordering spousal support in a judgment of dissolution of marriage or legal separation of the parties, including the goal that the supported party shall be self-supporting within a reasonable period of time. For purposes of this provision, a reasonable period of time is generally defined to be one-half the length of the marriage. Existing law also requires the court to give a specified admonition to the parties when making that order.

Existing law provides that a marriage of 10 years or more is presumed to be a marriage of long duration, as specified.

This bill would ~~revise the circumstances described above to provide that the goal is that the supported party shall be self-supporting within a reasonable period of time based on the standard of living established during the marriage. The bill would~~ provide an exception for a marriage of long

duration from the definition of a reasonable period of time for purposes of this provision. The bill would require the court, when ordering spousal support for a greater or lesser length of time than one-half the duration of a short-term marriage, or in ordering any reduction in support after a specified period or termination date with respect to a long-term marriage, to provide an explanation for its ruling either orally or in writing, as specified. The bill would also delete the provision requiring a court to give a specified admonition when making an order for spousal support *and instead authorize the court to advise the recipient of support that he or she should make reasonable efforts to assist in providing for his or her support needs.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4320 of the Family Code is  
2 amended to read:

3 4320. In ordering spousal support under this part, the  
4 court shall consider all of the following circumstances:

5 (a) The extent to which the earning capacity of each  
6 party is sufficient to maintain the standard of living  
7 established during the marriage, taking into account all  
8 of the following:

9 (1) The marketable skills of the supported party; the  
10 job market for those skills; the time and expenses  
11 required for the supported party to acquire the  
12 appropriate education or training to develop those skills;  
13 and the possible need for retraining or education to  
14 acquire other, more marketable skills or employment.

15 (2) The extent to which the supported party's present  
16 or future earning capacity is impaired by periods of  
17 unemployment that were incurred during the marriage  
18 to permit the supported party to devote time to domestic  
19 duties.

20 (b) The extent to which the supported party  
21 contributed to the attainment of an education, training,  
22 a career position, or a license by the supporting party.



1 (c) The ability to pay of the supporting party, taking  
2 into account the supporting party's earning capacity,  
3 earned and unearned income, assets, and standard of  
4 living.

5 (d) The needs of each party based on the standard of  
6 living established during the marriage.

7 (e) The obligations and assets, including the separate  
8 property, of each party.

9 (f) The duration of the marriage.

10 (g) The ability of the supported party to engage in  
11 gainful employment without unduly interfering with the  
12 interests of dependent children in the custody of the  
13 party.

14 (h) The age and health of the parties.

15 (i) The immediate and specific tax consequences to  
16 each party.

17 (j) The balance of the hardships to each party.

18 (k) The goal that the supported party shall be  
19 self-supporting ~~based on the standard of living established~~  
20 ~~during the marriage~~ within a reasonable period of time.  
21 Except in the case of a marriage of long duration as  
22 described in Section 4336, a "reasonable period of time"  
23 for purposes of this section generally shall be one-half the  
24 length of the marriage. However, nothing in this section  
25 is intended to limit the court's discretion to order support  
26 for a greater or lesser length of time, based on any of the  
27 other factors listed in this section, Section 4336, and the  
28 circumstances of the parties.

29 (l) Any other factors the court determines are just and  
30 equitable.

31 SEC. 2. Section 4330 of the Family Code is amended  
32 to read:

33 4330. (a) In a judgment of dissolution of marriage or  
34 legal separation of the parties, the court may order a party  
35 to pay for the support of the other party an amount, for  
36 a period of time, that the court determines is just and  
37 reasonable, based on the standard of living established  
38 during the marriage, taking into consideration the  
39 circumstances as provided in Chapter 2 (commencing  
40 with Section 4320).

1     ***(b) When making an order for spousal support, the***  
2     ***court may advise the recipient of support that he or she***  
3     ***should make reasonable efforts to assist in providing for***  
4     ***his or her support needs, taking into account the***  
5     ***particular circumstances considered by the court***  
6     ***pursuant to Section 4320, unless, in the case of a marriage***  
7     ***of long duration as provided for in Section 4336, the court***  
8     ***decides this warning is inadvisable.***

